



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Daniel Bennett
Secretary

Matt Carlin
Commissioner

Thomas P. Hopkins
Executive Director

Board Meeting Minutes – September 12, 2016 21st Floor – Conference Room 3

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Dawn Guarriello, Member (DG)
- Jane Hardin, Member (JH)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- George Delegas, Member (GD)
- Raymond Glazier, Massachusetts Office on Elder Affairs Designee (RG)

- Meeting began at approximately 9:15 a.m.

1) Discussion: Board Member Roll Call

DM - all but RG and GD present

2) Incoming Discussion: Chapel @ UMass Amherst, 144 Hicks Way, Amherst (V14-325)

- TH - originally heard in December of 2013, spending over 30%
- EXHIBIT – 9/6/16 submittal from Regan Shields, original architect, seeking amendment to the variance
- at inspection by State Inspector, there was a curved ramp that did not have a variance; as well as a variance for the inner handrail at Stair B, installed compliant wall-side

DM - grant as proposed for both
JD - second – carries unanimously

Raymond Glazier, Executive Office of Elder Affairs Designee (RG) – Now Present

3) Incoming Discussion: The Victor, 95 Haverhill St., Boston (V13-045)

- TH - EXHIBIT – pictures and drawings from Josh Safdie on Friday, 9/9/16
- granted all variances as requested at original variance review
- seeking variance for the outlets at glass window walls (9.5.6)

DM - grant as proposed
DG - second – carries unanimously

4) Incoming: Pratt Library Playground, 35 Ripley St., Cohasset (C16-041 & V16-253)

- TH - EXHIBIT- variance application and supplemental information, complaint filed in June of 2016
- stipulated order issued on 7/19/16; variance received on 8/24/16
- seeking a variance for time until spring of 2017 to provide compliant route to and through the playground
- currently all woodchips

DG - grant time variance until the first day of school 2017
AB - second – carries with JD abstaining

DG - status report to be submitted on 4/1/17
DM - second – carries with JD abstaining

5) Incoming: Deer Hill Playground, 210 Soher Street, Cohasset (C16-043 & V16-244)

- TH - EXHIBIT- variance application and complaint filed in 6/2016
- variance received on 8/8/16
- seeking time to provide accessible route to and through playground until 2017

DG - grant time variance until the first day of school 2017, with status report on 4/1/17
DM - second – carries with JD abstaining

6) Discussion: Asa Waters Mansion, 123 Elm St., Millbury (C15-100 & V15-241)

- TH - previous hearing ordered compliance by 9/1/16
- EXHIBIT – e-mail from Mike Kennedy on 9/1/16
- petitioners had stated that they needed to get the money from town meeting
- propose the work to be completed by 11/2016

DM - grant extension to 11/1/16 and if not verified as completed by then gazebo will be closed
JD - second – carries unanimously

DM - expedite decision
JD - second – carries unanimously

7) Discussion: Arlington St. Church, 351 Boylston St., Boston (V12-270)

TH - EXHIBIT – 9/8/16 submittal of Suzy Nacco, provided ramp plans
- ordered status reports at the hearing and a compliance deadline, neither have been met
- met with petitioners on 8/30/16 and they are proposing to start the work in September of 2016
- would like to have board ordered site visits to check on the work

DM - accept the plan submitted and order board site visits multiple times in September to check on the progress of their work
JH - second – carries unanimously

8) Incoming Discussion: Christ church of Cambridge, Zero Garden St., Cambridge (V16-222)

TH - denied the variances requested on 8/8/16
- Met with petitioners on 9/6/16
- still same requests for ramp slope and landing of ramp size
- EXHIBIT – new set of plans submitted on 9/6/16 by Jeffrey Brown, architect

DM - reopen based on new plans
DG - second – carries unanimously

DM - rescind previous vote of the board
JD - second – carries unanimously

DG - grant as proposed in new plans
DM - second – carries unanimously

9) Incoming Discussion: East St. School, 508 East St., Ludlow (V16-227)

TH - EXHIBIT – Jeffrey Davis submittal on 9/7/16 of new plans for multiple lifts and policy for use of the portable lift, proposing one lift for two stages
- proposing one lift for two stages

RG - grant on the condition that they buy two portable lifts, one for each stage
JD - second – carries unanimously

10) Incoming: Dance Dept. Offices and Admin Building, Smith College, 47 Belmont St., Northampton (V16-252)

TH - EXHIBIT – variance application and supplemental information
- 6 variances, would like to put in packet for 9/26

JD - put it in packet for 9/26/16
DM - second – carries unanimously

11) Incoming: Dowling Building, 6 Pleasant St., Malden (V16-246)

TH - EXHIBIT – variance application and supplemental information

- would like to order meeting with architect due to confusion of variance application and move review to 9/26

JD - schedule a meeting with the petitioners and move review to 9/26/16

RG - second – carries unanimously

12) Discussion: Hopkinton Mews, Lumber St., Hopkinton (V16-119)

TH - EXHIBIT – 9/7/16 submittal from Thomas Svirsky of Cosentini Associates, including plans and analysis
- 180 units, all but the 26 units and the one townhouse building that they have
- lofts are 130 square feet
- will provide lifts upon request

JD - bigger issue was 2A units not having a loft, not so concerned with Group 1 units
- would like to not require for Group 1, but would like to provide the Group 2A units with lifts at installation

DG - issue at original hearing was the location of the lift, the new proposals are a better location

TH - what is the benefit to accessing the loft space, since it is so small?

DM - grant the variance for no access to the Group 1 loft units, on the condition that lifts are available upon request to all 2A units, and that all marketing done markets the Group 2A units as accessible units with lifts available to the loft space

JD - second – carries unanimously

13) Incoming Discussion: Healing Hills Village, Village Inn Road, Westminster (V16-052)

TH - EXHIBIT – letter from Peter Reynolds on 9/1/16 to install a full size elevator
- previously granted a variance for a vertical wheelchair lift

DM - rescind the 3/7/16 variance for the use of a vertical lift

JD - second – carries unanimously

TH - elevator is proposed to be completed in January of 2017
- Facility would like to accept patients on 10/31/16

JD - grant the use of the second floor, until 2/1/17, at which time the elevator will be installed and inspected, or else the use of the second floor shall cease, and all services will have to be provided at the first floor

JH - second – carries unanimously

14) Incoming: Curb Cuts @ Fairview Ave. and Ingelside Ave., and Plymouth Rd. and Knollin St., Malden (V16-258)

TH - EXHIBIT – variance application and supplemental information
- constraints next to existing buildings, require variance for 21.3, for the center slope of the ramp
- 10%, 11.64%, and 15.24%; required to be 8.3%
- variances for only 3 locations

JD - grant as proposed
DG - second – carries unanimously

DM left the room

15) Incoming: House of Peace and Education, Inc., 29 Pleasant St., Gardner (V16-254)

TH - EXHIBIT – variance application and supplement information
- left a voicemail on 8/26/16 that the application is incomplete, no section numbers requested

JD - continue and request that the Board staff meet with the project architect
RG - second – carries unanimously

16) Discussion: Beauty Salon, 128 Major J. McGrath Hwy, Quincy (V16-156)

TH - EXHIBIT – multiple submittals from Ed Porzio
- clarifying plans submitted
- need to review more information

DG - move to the 26th
JH - second – carries unanimously

DM now present

17) Discussion: Acton Women's Club, 504 Main St., Acton (V11-108)

TH - EXHIBIT - 9/1/16 submittal from Laurie Lewis, final report
- lift is installed and provides access to the second and stage

JD - close the case and accept the submittal of pictures and commend their due diligence
RG - second – carries unanimously

18) Incoming: Two Tenant Spaces, 225-227 Newbury St., Boston (V16-256)

TH - EXHIBIT – variance application and supplemental information
- put in your packets due to complexity of application
- basement is open to the public, and first floor commercial space
- proposing lift at the rear of the building, but seeking time until lease expires
- putting a restaurant space at the lower level, but do not see why that space can't be accessible from the rear currently
- over 30% of the tenant space, so compliance triggered for the common spaces of the building

DM - didn't like that there is a parking lot in the back
- have to have space to allow a clear route to the rear entrance
- no lease end date given

DM - continue for information regarding the expiration of the lease
RG - second – carries unanimously

WW and DG left the room, DM as acting chair

19) Incoming: Universalist Church, 460 Broadway, Everett (V16-248)

TH - EXHIBIT – variance application and supplemental information
- stop work orders issued by the Everett Building Department
- due to complexity of case, would like hearing

JD - *hearing*

RG - *second- carries unanimously*

DG now present

20) Incoming Discussion: Bright Horizons, 185 Dartmouth St., Boston (V16-203)

TH - EXHIBIT – 8/23/16 submittal from Adreas Romero of Davis Square Architects, including information on entrance landing at the exterior side of the door
- removing terrazzo and building landing with slope of 1:24, proposing automatic door opener as well

JD - *grant as proposed*

AB - *second – carries unanimously*

21) Incoming: Proposed Footbridge over Sudbury River, 37 Middle Rd., Southboro (V16-243)

TH - EXHIBIT – variance application and supplemental information
- new construction
- slope of 29.4% at each end with no compliant handrails

JD - *deny*

AB - *second – carries unanimously*

22) Incoming: West Chelmsford United Methodist Church, 242 Main St., North Chelmsford (V16-257)

TH - EXHIBIT – variance application and supplemental information
- first presented as a plea to submit support for sprinkler board variance
- then advisory for installation of lifts at each end of the building
- then submitted variance application seeking variance for the use of the 2 lifts at each end of the building

RG - *deny*

AB - *second – carries unanimously*

WW now present, acting as chair

23) Advisory Opinion: BC Rec Center, Locker Rooms, 521 CMR 19.4

TH - EXHIBIT – submittal of modified plans from Jeremy Mason, Howe Engineers, Inc., 8/26/16

DM - design does not work; need to offer better distribution of accessible lockers with no dead-end design

RG - second – carries unanimously

24) Incoming: Shelburne Buckland Community Center, 53 Main St., Shelburne (V16-255)

TH - EXHIBIT – variance application and supplemental information
- proposing to renovate existing stairs
- an existing ramp but if slope is more than 5%, handrails do not comply
- bathrooms are accessible
- requested permit to proceed

DM - grant on the condition that the stairs comply with 27, and ramp handrails are brought into compliance with 521 CMR

DG - second – carries unanimously

***Brief Break
JD left the room***

25) Hearing: Halstead Danvers, 1000 and 2000 Kirkbride Drive, Danvers (C15-139)

WW - called to order at 11:00 a.m.
- introduce the Board

Denise Farmer, Complainant (DF)

Donna Wells, PCA for the Complainant (DW)

Paul Bowie, DSF Danvers (owner representative) (PB)

William Joyce, Compliance Officer for the Board (WJ)

Jim Nowlan, Volunteer for Independent Living Center of North Shore and Cape Ann (JN) – via conference call

WW - all sworn in
- EXHIBIT 1 – AAB1-33

DF - it has taken 1.5 years or longer, since the new owners took over the property
- several notifications, written, verbal and meetings, regarding installing an accessible entrance doors to the lobby one at the front and one at the rear
- one at the front leads to all of the administration offices and all the amenities for the property, which includes the gym and the outdoor pool
- one compliant door was installed, which exits the parking lot
- submitted pictures of the property for the complaint
- more items identified by the board staff in the pictures submitted, which was then included in the complaint

WJ - e-mail from Shawn McDuff of ILC of Northshore and Cape Ann, submitted on 9/7/16

WW - accept the submittal as EXHIBIT 2

WJ - received in December of 2015
- AAB29-32 pictures of the complaint issues
- first notice sent in January of 2016

- had to be resent a couple of times
- March 22, 2016 second notice was sent, and received letter on 3/25/16 from general manager of the property
- agreed to address all complaints except for the pool stairs, which are pie-shaped with no handrails
- hearing was scheduled due to the lack of confirmation of compliance or plan for compliance
- e-mail from McDuff was summary of his site visit to the property, and concurred with all of the cited violations and submitted door pressure measurements
- no site visit by board staff to date
- look at AAB32, violation of stairs is evident
- only cited them on the handrails, and not the entrance approach, since triggered full compliance; should have cited the entrance as well

WW - is this new construction?

WJ - previously a site of a mental hospital, but unsure of complete tear down or gut renovations

DG - apartments for rent?

PB - yes

JN - measurement of door pressure, was over the limit for building at 1000 Kirkbride

WW - read the letter into the record from ILC of Northshore and Cape Ann

- recommendation of compliant handrails of stairs to be installed, need for variance for lack of access at some entrance

- propose installation of automatic door openers for doors with door pressure issues

- stairs to pool area need handrails and compliant treads

PB - complaint is in four parts

- 1st part, handrails to building 1000, have been installed and will submit pictures

- door pressure at three pairs of doors, have been working on adjusting them, and will be replacing some of the closers

- automatic door at building 2000 already installed

- building is a rehab, and one is a reconstruction

- 2007 project

- 1000 has the fitness center and access to the pool, is the historic façade and completely gutted

- winder stairs confusion regarding path of travel and because of alternate accessible route to the pool adjacent to the stairs in question

- if board determines that stairs are not compliant, will work to correct them reasonable accommodation

JH - handrails at sides as accommodation, acceptable?

DF - when the current owners took over, changed a lot of access

- curved stairs are more convenient for people in building 1000, I live in building 2000

- but the curved stairs are a means of egress

JH - do you currently have access to the pool?

DF - have not had access all summer; have to cross a walkway and travel down a very long walk to the other end of the pool area

- no interior routes to the main administration offices

DG - working on the door pressures, any time frames?

PB - within the next couple of weeks, if the doors cannot be adjusted accordingly, will have to replace the door closing hardware

- DG - architect on the project currently or as-built drawings?
 PB - when acquired the property there were some as-built drawings, bought property in 2014
 - work to the buildings was completed in 2007, but after buying the property did renovate the main level of the historic building to include the gym and administration offices
- RG - did the pool area exist before the transfer of the property?
- DM - bought the property and therefore bought the violations that are outstanding
 - is there a ramp to the pool area?
 DF - not a “real ramp”, a curved walkway without handrails, unsure if it is a ramp
 - only one accessible entrance at the side of building 1000
- PB - there is a ramp to get from building 1000 to the pool area, appears to be ADA compliant
- DM - have to look at 521 CMR and see if it meets the requirements of applicable sections of 521 CMR
 - concern with complainant not being able to use the doors to get out of her building
- PB - original request was for an automatic door opener in building 2000
 - two main access points, put auto-opener at the door to the rear parking, which is at the opposite end of the building than the entrance which faces building 1000 and the shared amenities
- DF - auto-opener was installed incorrectly the first time and was found by me to be done incorrectly, and then they corrected them
- DM - if the other doors cannot comply with the door opening force, then they all have to be modified to comply
- WJ - need to have the owners submit a complete analysis of compliance with 521 CMR
 - entrance shown on AAB29 does not comply with stair regulations, but was also required to comply with 521 CMR for accessible entrances
 - unsure of Group 1 and Group 2A units
 - need a full analysis
- DM - only one set of doors with an auto-opener
- DM - find in favor of complainant for all violations*
RG - second – carries unanimously
- 2016 *DM - other entrance doors in building 2000 have compliant auto-openers installed by October 15,*
WW - still a work in progress since March of 2016; not pleased with taking since March to adjust the door pressures have not been rectified
DM - rescind previous motion
DM - if all entrance doors cannot provide compliant opening force, by end of business 9/13/16, then automatic door openers shall be installed at all entrance doors that cannot be modified to have compliant openers for pressure, with verification of compliance submitted to the Board by 10/30/16, installed by 10/15/16
RG - second – carries unanimously

DM - *contract with a registered professional architect to have a full review of buildings and site for compliance with 521 CMR, given that full compliance was required at the time of construction; submit plans for compliance or variances all areas of noncompliance with 521 CMR as cited in the complaint or found in the analysis, by December 7, 2016*

RG - *second – carries unanimously*

DM - *expedite the decision of the Board*

DG - *second – carries unanimously*

KS - will e-mail decision to all parties concerned

DM - *have WJ contact the building owner/representative and complainant on 9/14/16 to verify the door pressures*

DG - *second – carries unanimously*

Break for Lunch

All members present upon return

26) Hearing: Mocha Motts, 10 Circuit Avenue, Oak Bluffs (V16-131)

WW - called to order at 1:00 p.m.

- introduce the Board

Timothy Dobel, Mocha Motts Owner (TD)

Meredith Aldrich, Mocha Motts Owner (MA)

Maurice O'Connor, Architect (MO)

Bill Engler, Resident of Oak Bluffs (BE)

Jackson Engler, Resident (JE)

Rose Engler, Resident (RE)

Sharon Engler, Resident (SE)

WW - BE, RE, TD, and MO sworn in

- EXHIBIT 1 – AAB1-75

TH - 9/12/16 e-mail from BE which included petition for access to Mocha Motts

WW - accept EXHIBIT 2

- variance was already granted by the Board, matter before the Board today is BE's appeal of the Board's decision to grant the variance for the lack of access to Mocha Motts

BE - online petition with 14,265 signatures of support, with 1,492 signatures from Massachusetts

- love Mocha Motts and have nothing personal

- went proactive and was told that the project was grandfathered

- do not want to slow opening or impede the opening

- was told that variance was granted and that had the ability to appeal the decision of the board

- disappointed in this board, understand context of variances, but think job is to inspire enforcement of the law

- quote that the substantial benefit shall be proven without substantial benefit to "a" person with a disability

- why was the variance granted if there was no proof of cost, no justification about the use of the building

- second floor overhangs the first floor, so there is possibility to enclose a lift outside the building
- two sets of stairs that were granted variances for no handrails
- seeking to have the owners work with the building inspector, town planning board, and community to remedy for the lack of access to this space

MO - submit additional pictures
 WW - accept as EXHIBIT 3

MO - pipe burst in February of 2016, no work prior to that
 - damage in excess of \$100,000
 - variance in 1990 prior to this from the Board
 - owners of Mocha Motts do not own the outside of the building, it is owned by the condo association
 - told by the adjuster that insurance claim would not pay for work at the outside of the building, and since a variance from this board was in place for the interior of the building
 - have worked with 101 Mobility, Garaventa and other elevator companies in regards to installing a vertical wheelchair lift and an incline wheelchair lift
 - a vertical lift would require the removal of one of the stairs
 - primarily take-out, very busy in the summer, go in through one stair, and out the other stair to the building
 - 4'6"-4'8" wide stairway, so can be very congested
 - surface outside the shop is 6" below the outside of the shop, even lift would have to go up an additional 6.5" to get into the space
 - water does fill into the lowered space, and with substantial rain, the water needs to be pumped out, raising the floor would most likely create flooding within the tenant space
 - raising the floor would be required and would also affect the other stair to the tenant space
 - incline lift with folding chair, 101 Mobility
 - existing stair is 36" wide, two sets of windows on each side of the doors, allows all of the natural light into the space
 - would have to install concrete stairs and widen the stairway, therefore blocking the windows
 - would still have to bring the floor up 6.5"
 - top of the stair down to Mocha Motts is also access to the upstairs apartments so would have to widen the stair landing
 - another store nearby, in Vineyard Haven, same food and coffee and is accessible

BE - appreciate that they have looked at options for access
 - would like written testimony from the lift companies
 - to my knowledge, the other condos have not been spoken to, only three other condo owners
 - there is only recently signage posted at the doors saying "enter" and "exit"
 - 2 miles to other location

JH - is the signage a new addition, but there is some understanding of flow it appears
 - how do you accommodate currently

TD - currently closed
 - small community except for 2 months in the summer when busy
 - have had people call and request service at the sidewalk
 - granted variance on the condition that a bell and intercom be installed for request at curbside
 - lines every day; from beginning of July to the end of August
 - do not have definitive numbers, 95% of business is takeout, with 15 seats inside
 - already setup to install bell system per part of the condition

- JH - has there been signage?
TD - has not in the past, but will be provided now
- JH - is there an outdoor seating area where people could wait?
TD - building is built on a hill, there is no overhang for being sheltered, but would have them be served quickly
- do not lease or control anything other than the interior footprint of the building
- but could have a spot set aside for someone to wait
- AB - where trial schemes for the installation of access submitted with cost estimates
MO - did not, but relied on previous variance and existing work done
- DG - what about widening one stair and put the lift at the other stair
- but unsure because of dimensions
MO - did not see any feasible option
- DG - should see drawings that show the impact of access on the space
- understand relying on previous variance, but understand BE asking for more information
- but do understand that the work was triggered by a frozen pipe
- JD - how much of interior was damaged and replaced
TD - all of the interior had to be replaced (all the drywall)
- took 5 months to get the money from insurance
- have lost a season's worth of revenue
- currently have no money to pay for the work to put the lift in, and may not be able to get money from insurance for this work
- very sensitive to access and made it a point to create access at Vineyard Haven store
- JD - space was gutted due to water damage?
TD - yes
MO - was gutted down to the studs and fixed electrical
- did tweak some counter heights, but same layout as before
- DM - building is 3,000 square feet; space is approximately 900 square feet?
MO - yes
- TH - AAB12, Notice of Action required lighted menu board and the buzzer and bell system
- DG - windows are covered anyways?
MO - yes, because of construction
- WW - condominium building, there isn't a landlord?
TD - clarify that there are six condo units
- we lease the space from another entity, but control the corporation that owns the condo space that Mocha Motts leases
- WW - how big is the lot that the space occupies?
MO - building fills out the footprint of the lot
- DM - *take the matter under advisement*
RG - *second – carries unanimously*

- DM - uphold the previous decision of the Board and reiterate the requirement lighted menu board, with buzzer and intercom and further require all advertisements notify patrons about accommodations available, and compliant wall-mounted handrails at each stair*
- RG - second –*
- DM - withdraw portion regarding stair handrails*
- carries with DG opposed*

27) Incoming: Benefitness Health Club, 85-87 Harvard Street, Brookline (V16-250)

- TH - EXHIBIT – variance application and supplemental information; e-mail from Commission on Disability received 9/9/16
- partial application analysis not done

- JD - schedule a hearing and require that the architect of record complete a partial application analysis, per 521 CMR 3.7*
- RG - second – carries unanimously*

28) Incoming Discussion: Mixed Use Building, 23 Federal St., Nantucket (V15-300)

- TH - EXHIBIT – 8/9/16 submittal from John Hayford of Emirtus Development submitted amendment request
- renovation of existing basement, first, second and third floors, with addition for vertical wheelchair lift and toilet rooms
- sought variances for street side entrance, granted variance on 12/14/15
- proposed installation of vertical wheelchair lift at grade to access basement or first floor with a 90 degree lift
- granted on the condition that platform of 42” by 60”
- were also proposing unisex toilet rooms at basement and first floor
- now seeking to not make the basement toilet room accessible, only accessible toilet room at the first floor
- also seeking to change the layout of the vertical wheelchair lift
- 744 square feet per floor
- proposing to remove stair between first floor and basement
- two internal stairs, and proposing to remove one
- proposing straight-in-and-out vertical wheelchair lift design, but maintaining 42” by 60”
- seeking acceptance of lift design and the lack of access at basement toilet room

- JD - grant the variance for the lift design*
- DM - second – carries unanimously*

- JD - deny variance for the bathroom*
- DG - second – carries unanimously*

29) Incoming Discussion: Lowney Chocolate Factory, 150 Oak St., Mansfield (V16-189)

- TH - EXHIBIT – 9/8/16 e-mail from Warren Mott, which included a general letter from Mass Historic
- had granted them time to produce a letter from Mass Historic, because it does not address stair handrails

- DM* - grant extension of 60 days for letter from Mass Historic regarding 27.4.1-27.4.3 and 27.4.7
JD - second – carries with JD abstaining

30) Incoming Discussion: League School of Greater Boston, 310 Providence Turnpike and 250 Moose Hill road, Walpole (V16-237)

- TH - dorm buildings for kids with disabilities
- one is completed, one is proposed
- seeking to occupy the building
- allowed permit for the work on second building
- variances were submitted but sought wrong sections numbers, sought section 9 instead of section 8 of 521 CMR
- each floor has common use spaces and multiple dorm rooms, two accessible dorm rooms on each floor
- hearing scheduled for November 28, 2016
- EXHIBIT – e-mail from James Christopher, dated 9/11/16, with clarification that seeking a variance to section 8

- JD* - subpoena new building inspector, architect of record, and principal/director of the school to appear at the 11/28/16 hearing
DG - second – carries unanimously

JD left the room

31) Incoming Discussion: Mixed Use Building, 717-719 Washington St., Dorchester (V16-234)

- TH - new residential condo building of 8 3-bedroom units
- proposing parking underneath and one retail space at ground floor
- seeking a variance to use a LULA in new construction and the cab size, 48” by 54”
- previously denied and required board staff to meet with the Petitioner
- EXHIBIT – 9/1/16 submittal of plans and a letter from Thomas Piatt

JD now present

- RG* - grant as proposed
DG - second – carries with JD abstaining

32) Incoming: Bikeworx, 71 Apsley St., Hudson (V16-259)

- TH - EXHIBIT – variance application and supplemental information
- jurisdiction is 3.4, so change of use and work performed (3.3.1a) jurisdiction
- route for accessible entrance does not coincide with route for general public
- accessible route is through the repair shop

- DG* - deny
RG - second – carries unanimously

33) Incoming Discussion: 21 Old South Road, Nantucket (V15-214)

- TH - originally before the Board on 8/24/15

- originally proposing LULA with a cab of 51” by 51”
- asked to redesign and submitted new plan for LULA in 9/2015 with a cab size of 42” by 60”
- EXHIBIT – 8/18/16 e-mail with plans attached, from Dimetri Kapalas from Emeritus Design
- now proposing more Group 1 units in the basement

DM - grant, on the condition that there is signage that the lift is for residential tenants only
JD - second – carries unanimously

34) Incoming: Sidewalk at Irene Court, Millbury (V16-247)

- TH - EXHIBIT - variance application and supplemental information
- one location with an electric handhold vault within the sidewalk with a 10.3% running slope
 - 1,629 feet of new sidewalk

DM left for the day

JD - deny
RG - second – carries unanimously

35) Advisory Opinion: Long Wharf Custom House Block, Use of Vertical Wheelchair Lift (521 CMR 28.12.1)

- TH - EXHIBIT – 8/26/16 submittal from Jay Ierardi of AKF Group
- seeking advisory as to if they can use a vertical wheelchair lift between 5th and 6th floor

AB - variance required for installation of lift as proposed, since they do not meet the exception of 521 CMR 28.12.1
JD - second – carries unanimously

36) Hearing: North Star Building, 587, 585 and 581 High Street, Dedham (V16-136)

- WW - called to order at 3 p.m.
- introduce the Board

John Tocci, Chair of Dedham Commission on Disabilities (JT)
 Kenneth Cimeno, Building Commissioner Dedham (KC)
 Laurence Wintersteen, Owner (LW)
 Marie Sorenson, Architect (MS)
 Kathy Loukos, Bookkeeper for Northstart Building (KL)
 Garrett Burns, State Representative Paul McMurtry’s Office (GB)
 John Howard, Dedham neighbor (JH)
 Chris Lutes, Proposed Tenant (CL)

- WW - all sworn in
- EXHIBIT 1 – AAB1-48

- TH - hearing was requested by the Commission on Disability

- JD - representative Mass Office on Disability, advise local commissions on disabilities, but can recuse if the petitioners feel it would be a conflict
- are not familiar with the case at hand

JT - only dealt with JD regarding clarification of state law on membership for commission

WW - no objection to JD voting

JT - proposed restaurant will occupy one part of the building in question
- focus is on the entire building
- building was built in 1924
- 3rd floor and lower level are inaccessible
- approval of the variance allows for further lack of access to the third floor and basement
- alternate access is a nice accommodation, but does not fix the problem with the lack of access
- significance of the building is the central location of the building
- would like long term view for the building, and not just for this initial restaurant
- this renovation will further the life of the building

Malcolm Sterling, Member of Commission on Disability (MS) now present

WW - MS sworn in

JH left for the day

MS - good location for office space
- downstairs restaurant with first floor toilet room, understand the basement will be restaurant use only

KC - also member of the commission on disability, as well as building commissioner for the Town of Dedham
- concerns with variance for the lack of vertical access within the building
- approximately 4,000 square feet in the basement, which is not currently open to the public
- proposed restaurant will have access to toilet rooms in the basement
- previous tenant there was no public access to the basement level
- upper level was an office area previously
- concerned with long-term use of the upper level for members of the public
- no access to two out of three levels of the building
- building is under new ownership, and significant amount of money spent on the restaurant

WW - what is the scope of the work?

MS - renovate corner of the building for the restaurant, along with basement work for the restaurant
- AAB27, following review of regulations, proposed to do items A-J, and requested variances for other areas
- will make ground floor accessible, with adding auto-openers to the other two existing tenants at-grade entrances
- Blue Bunny Bookstore will also have modification to the counter and the existing toilet room
- Courthouse Cigars will have modified counter to comply and creating accessible second means of egress out of the tenant space
- providing grab bars at the existing second floor men's and women's rooms

MS - reasons for variance are covered in the letter from the building owner, Mr. Reynold's on AAB25
- 2,800 square feet at the second floor
- occupancy of approximately 9 people for the second floor
- since the variance was granted, realize did not submit an affidavit, but did so

- two existing tenants do not meet with the public, and can accommodate at other locations if need to meet with members of the public
- installation of exterior staff would require full compliance with structural codes, which is an added requirement
- cost of providing vertical access is \$163,000

WW - AAB45-47

MS - AAB45 shows the first floor plan
 - variance is sought based on excessive cost without benefit to persons with disabilities

AB - main objection from the Commission is the lack of long-term access

JT - affidavit from Mr. Quirk for insurance agency at the second floor, but that use could change
 - and that use will be preventative to tenants that welcome members of the public, or have a disabled employee

AB - but the affidavit is for the current tenant

TH - if they spend over 30% again, it will trigger access under the regulations again

RG - concern with the first floor bathroom being overused and the basement bathrooms would not be used as much

TH - partial application is an issue, they spent over 30% of the value of tenant space; variances sought for the public and common use spaces for the building owner, which includes vertical access and the entrances to the other tenant spaces at grade
 - could add condition that the variance is for this use only

MS - if insurance company were to leave and other tenants occupy the second floor, would not necessarily mean that work would have to be performed

JT - one and only shot in decades that access can be provided to the basement and second floor
 - 65-70% will be inaccessible

AB - 3.4 change of use, would require an accessible route?

TH - yes, accessible route from an accessible entrance, which would retrigger the requirement for vertical access to the second floor again

MS - very low ceiling would make full public use difficult

TH - opening of the two toilet rooms at the basement level for the restaurant, opened the space to the public, but variance granted on the condition that the first floor accessible unisex toilet room was provided

MS - haven't had a retail analysis done for the second floor
 - not much draw for retail small businesses for the second floor

JT - limited type of business welcome on the second floor
 - easier to not provide access to the second floor

- CL - Peter Reynolds bought the building to prevent it from being torn down, to maintain the character of the town
- LW - cost prohibitive to the building owner to provide vertical access
- KL - work for Peter Reynolds, work on second floor and work for Blue Bunny
 - the reason behind buying the building was to prevent it from being torn down
 - has worked very hard to keep this building, and did the same to purchase the building
 - does not want the building to be torn down and rebuilt
 - he wants to get the restaurant in and need the income to keep the building
- JD - is it historic?
 KL - not historic specifically but been part of Dedham for many years
 MS - may be considered eligible, it is a common building for the era, but not listed
- RG - *take the matter under advisement*
 DG - *second – carries unanimously*
- DG - *uphold previous decision and add language that requires signage at the accessible restroom at the restaurant, to indicate the primary men's and women's rooms are at the basement level; require that if future tenants of the second floor accommodate those unable to access the second floor at the first floor, which should also be noted in the lease.*
- RG - *if first floor tenant changes, have to maintain first floor common space available to second floor tenants – second*
- DG - *accept amendment*
 - *motion carries unanimously*

37) Incoming: Tribune Apartments, 46 Irving Street, Framingham (V16-245)

- TH - EXHIBIT – variance application and supplemental information
 - spending over 30%
 - seeking variances for the location of proposed unisex toilet room (30.2)
 - variance for 60 day temporary ramp use, proposing to use over a set of stairs in a hallway for temporary access
 - EXHIBIT – 9/12/16 e-mail from Karen Dempsey, Commission on Disability; 9/8/16 e-mail from Mark Dempsey, Building Department, both in support of variance application
- JD - *grant, on the condition directional signage for toilet rooms, and grant the 60 day temporary ramp usage, on the condition that the ramp complies with 521 CMR 24.*
- RG - *second – carries unanimously*

38) Incoming: Temple Sinai, 50 Sewall Avenue, Brookline (V16-238)

- TH - EXHIBIT – variance application and supplemental information
 - sent in your board packets
 - AAB20, list of variances
- RG - letter is from a member of the commission and does not represent a vote of the commission
- JD - she notes that she is acting on behalf of the commission on disability

TH - commission would like to see edited policy kept in a location where event planners are readily available to review said policy

RG - not unreasonable to make the courtyard accessible
- not supposed to use indoor space for Sucot for religious practice
- inclined lift to the Bema not shown on the plans, but mentioned in the application

TH - it is shown on AAB12, it is a vertical wheelchair lift

AB - also on AAB11

JD - grant all variances requested, with the exception of the variance for the lack of access to the courtyard

AB - second – carries unanimously

39) Discussion: Blackington Building, 572 Main Street, Sturbridge (V14-007)

TH - EXHIBIT - 8/26/16 submittal from Kevin MacConnell with status of project and financial status report
- would like to require that within 90 days, an engineering firm will begin permits and design for the first floor access; as proposed

JD - accept submittal and require submittal of verification that an engineering firm will begin permits and design for first floor access

DG - second – carries unanimously

40) Incoming Discussion: Patriot Tavern, 100-104 Main St., Walpole (V16-068)

TH - amendment for stairs
- EXHIBIT – submittal from Arthur Choo, Jr. on 8/2/16, drawing showing stairs at end of porch

JD - grant, for this use only

DG - second – carries unanimously

41) Discussion: Suffolk University, 8 Ashburton Place, Boston (V16-229)

TH - EXHIBIT – Michael DiMascio of ARUP, received on 9/9/2016
- granted variance for dimensions of a single-user toilet room (71” by 85”), on the condition that another unisex toilet room is provided at that floor
- they are seeking a variance to not provide another toilet room on that same floor
- 12 floors with accessible toilet rooms at each floor

JD - rescinding condition of previous decision of the Board

RG - second – carries unanimously

42) Discussion: Minutes from 8/22/16

JD - accept minutes and decisions

DG - second – carries unanimously

43) Incoming: Topsfield Town Hall, 8 West Common St., Topsfield (V16-249)

- TH - EXHIBIT-variance application and supplemental information
- over 30%
 - asking for 6 variances
 - supported by ILC

JD - include in packet for 9/26/16

DG - second – carries unanimously

44) Discussion: Advisory Opinion

- TH - EXHIBIT – e-mail from Chris Walsh, 9/12/16
- office for Hillary Clinton in Framingham is not accessible, so someone proposed a portable ramp for this
 - grand opening of the office was moved to the parking lot in front of Chris Walsh's Framingham office
 - two 6-inch steps into the office
 - 2 months of use
 - contacted temporary aluminum ramp regarding installation of movable ramp
 - will offer accommodation at Walsh's office conference room and will install grab bars within the toilet room of his office

JD - variance is required for that temporary use

DG - second – carries unanimously

- TH - can expedite if need be and upon request

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- The Victor, 95 Haverhill St., Boston (V13-045) - pictures and drawings from Josh Safdie on Friday, 9/9/16
- Arlington St. Church, 351 Boylston St., Boston (V12-270) - 9/8/16 submittal of Suzy Nacco, provided ramp plans
- Advisory Opinion; Hillary Clinton Framingham Office - e-mail from Chris Walsh, 9/12/16

EXHIBITS:

- Pratt Library Playground, 35 Ripley St., Cohasset (C16-041 & V16-253) - variance application and supplemental information, complaint filed in June of 2016
- Deer Hill Playground, 210 Soher Street, Cohasset (C16-043 & V16-244) - variance application and complaint filed in 6/2016
- Dance Dept. Offices and Admin Building, Smith College, 47 Belmont St., Northampton (V16-252) - variance application and supplemental information
- Dowling Building, 6 Pleasant St., Malden (V16-246) - variance application and supplemental information
- Curb Cuts at Fairview Ave. and Ingelside Ave., and Plymouth Rd. and Knollin St., Malden (V16-258) - variance application and supplemental information
- House of Peace and Education, Inc., 29 Pleasant St., Gardner (V16-254) - variance application and supplement information
- Two Tenant Spaces, 225-227 Newbury St., Boston (V16-256) - variance application and supplemental information

- Universalist Church, 460 Broadway, Everett (V16-248) - variance application and supplemental information
 - Proposed Footbridge over Sudbury River, 37 Middle Rd., Southboro (V16-243) - variance application and supplemental information
 - West Chelmsford United Methodist Church, 242 Main St., North Chelmsford (V16-257) - variance application and supplemental information
 - Benefitness Health Club, 85-87 Harvard Street, Brookline (V16-250) - variance application and supplemental information; e-mail from Commission on Disability received 9/9/16
 - Bikeworx, 71 Apsley St., Hudson (V16-259) - variance application and supplemental information
 - Sidewalk at Irene Court, Millbury (V16-247) - variance application and supplemental information
 - Tribune Apartments, 46 Irving Street, Framingham (V16-245) - variance application and supplemental information; 9/12/16 e-mail from Karen Dempsey, Commission on Disability; 9/8/16 e-mail from Mark Dempsey, Building Department, both is support of variance application
 - Temple Sinai, 50 Sewall Avenue, Brookline (V16-238) - variance application and supplemental information
 - Topsfield Town Hall, 8 West Common St., Topsfield (V16-249) - variance application and supplemental information
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- Chapel @ UMass Amherst, 144 Hicks Way, Amherst (V14-325)- 9/6/16 submittal from Regan Shields, original architect, seeking amendment to the variance
 - Asa Waters Mansion, 123 Elm St., Millbury (C15-100 & V15-241) - e-mail from Mike Kennedy on 9/1/16
 - Christ Church of Cambridge, Zero Garden St., Cambridge (V16-222) - new set of plans submitted on 9/6/16 by Jeffrey Brown, architect
 - East St. School, 508 East St., Ludlow (V16-227) - Jeffrey Davis submittal on 9/7/16 of new plans for multiple lifts and policy for use of the portable lift, proposing one lift for two stages
 - Hopkinton Mews, Lumber St., Hopkinton (V16-119) - 9/7/16 submittal from Thomas Svirsky of Cosentini Associates, including plans and analysis
 - Healing Hills Village, Village Inn Road, Westminster (V16-052) - letter from Peter Reynolds on 9/1/16 to install a full size elevator
 - Beauty Salon, 128 Major J. McGrath Hwy, Quincy (V16-156) - multiple submittals from Ed Porzio
 - Acton Women's Club, 504 Main St., Acton (V11-108) - 9/1/16 submittal from Laurie Lewis, final report
 - Bright Horizons, 185 Dartmouth St., Boston (V16-203) - 8/23/16 submittal from Adreas Romero of Davis Square Architects, including information on entrance landing at the exterior side of the door
 - BC Rec Center, Locker Rooms, 521 CMR 19.4 - submittal of modified plans from Jeremy Mason, Howe Engineers, Inc., 8/26/16
 - Shelburne Buckland Community Center, 53 Main St., Shelburne (V16-255) - variance application and supplemental information
 - Mixed Use Building, 23 Federal St., Nantucket (V15-300) - 8/9/16 submittal from John Hayford of Emirtus Development submitted amendment request
 - Lowney Chocolate Factory, 150 Oak St., Mansfield (V16-189) - 9/8/16 e-mail from Warren Mott which included a general letter from Mass Historic
 - League School of Greater Boston, 310 Providence Turnpike and 250 Moose Hill road, Walpole (V16-237) - e-mail from James Christopher, dated 9/11/16, with clarification that seeking a variance to section 8
 - Mixed Use Building, 717-719 Washington St., Dorchester (V16-234) - 9/1/16 submittal of plans and a letter from Thomas Piatt
 - 21 Old South Road, Nantucket (V15-214) - 8/18/16 e-mail with plans attached, from Dimetri Kapalas from Emeritus Design
 - Long Wharf Custom House Block, Use of Vertical Wheelchair Lift (521 CMR 28.12.1) - 8/26/16 submittal from Jay Ierardi of AKF Group

- Blackington Building, 572 Main Street, Sturbridge (V14-007) - 8/26/16 submittal from Kevin MacConnell with status of project and financial status report
- Patriot Tavern, 100-104 Main St., Walpole (V16-068) - submittal from Arthur Choo, Jr. on 8/2/16, drawing showing stairs at end of porch
- Suffolk University, 8 Ashburton Place, Boston (V16-229) - Michael DiMascio of ARUP, received on 9/9/2016